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In re Patent No. 6,731,183 : **OFFICE OF PETITIONS**
Issued: May 4, 2004 : LETTER REGARDING PTA AND
Application No. 09/816,115 : CERTIFICATE OF CORRECTION
Filed: March 26, 2001 :
Atty. Dkt. No.: 04202.0137 :

This letter is in response to the "NOTICE OF ERRONEOUS DETERMINATION OF PATENT TERM ADJUSTMENT," filed December 17, 2003. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The correct Patent Term Adjustment ("PTA") at the time of the issuance of the patent is zero days.

Patentees indicate that an error appears in the calculation of PTA and suggests a PTA of zero days, rather than 59 days, is appropriate.

A review of the application history reveals that the patent term adjustment of 59 days is in error. There was an Office delay of 59 days within the meaning of 37 C.F.R. 1.702(a)(1)¹. The adjustment, however, should have been reduced 59 days in accordance with 37 CFR 1.704(b) for failure to engage in reasonable efforts to conclude prosecution as indicated by patentees².

Hence, the patent term adjustment of 59 days appearing on the letters patent is in error as indicated by patentees.

¹ In accordance with 37 CFR 1.703(a), the adjustment began May 27, 2002, the day after the date that is fourteen months after the date on which the application was filed, and ended July 24, 2002, the date the non-final Office action was mailed.

² In accordance with 37 CFR 1.704(b), the reduction began March 19, 2002, the day after the date that is three months after the date of mailing of the final Office action, and ended May 16, 2003, the date a reply to the final Office action was submitted.

As patentees are advising us of an error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application is being forwarded to the Certificate of Correction Branch for issuance of a certificate of correction indicating that the above-identified patent has received zero days of patent adjustment.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

Karin A. Ferriter
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